

REMARKS/ARGUMENTS

It is asserted that these amendments do not add new matter and are supported by the specification and claims as originally filed. Entry of these claims is respectfully requested.

Claims 22-37 have been rejected.

Claims 22-24 and 33 have been amended.

Claims 25-32 and 34-36 are kept unchanged.

Claim 37 has been canceled.

Claims 38-41 have been added.

Claims 22-36, and 38-41 are pending in the application.

The instant application has been amended to format the same by using the headings as set forth in the Official Letter. In that connection, a new abstract is herewith enclosed.

The objection to claim 33 has been addressed by deleting the duplication of the phrase "further comprises".

Amended claim 24 makes clear that the claimed limitation deals with the range of the percentage of acetyl groups.

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claim 22, under 35 U.S.C. 112, second paragraph, as being indefinite for particularly failing to point out and distinctly claim the subject matter which the applicant regards as the invention.

The rejection of claims 22-37 under 35 U.S.C. § 103 (a) as being unpatentable over Doherty et al. (EP 0765939) in view of Patton et al. (GB 1,080,248), is respectfully traversed and is addressed in light of the comments below.

Patton does not teach the particular xanthan gums used in the instant application.

Patton only discloses that some drilling compositions may comprise both a xanthan gum and a fluid loss control agent. However, there is no information at all on the behaviour of the fluid loss control agent at a temperature of 100-140 °C.

Indeed, the xanthan gum taught by Patton has been crosslinked by reaction with polyvalent cations at ambient temperature and basic pH values (please see page 1, lines 4-61, and from page 3, line 34 to page 3, line 88). Patton asserts that the crosslinking process may lead to some deacetylation. However, Patton never discloses nor even suggests the use of a xanthan gum having a percentage of acetyl groups in the range 0 to 3%, said xanthan gum being in the form of a polypentamer.

Doherty is mute on fluid loss control properties and fluid loss agents. Doherty does not describe nor suggest the unexpected synergy set forth on page 5, lines 5-12 of the instant specification. Doherty does not suggest either that the gum itself may be used as a fluid control agent and be effective at high temperatures.

The Examiner has agreed that Doherty does not disclose operating at temperature higher than 80°C. Measuring the viscosity of a composition at 80°C does not mean that 80°C is the maximum temperature that the composition can withstand. However, any xanthan gum can withstand that temperature. Therefore, the one skilled in the art having in mind Doherty's teaching, did not have a clue that the particular xanthan gum of the instant invention could surprisingly withstand a higher temperature in terms of viscosity management.

AMENDMENT

Moreover, the improvement of the synergy obtained from the combination of that particular xanthan gum with a fluid loss control agent above 80°C is not obvious either.

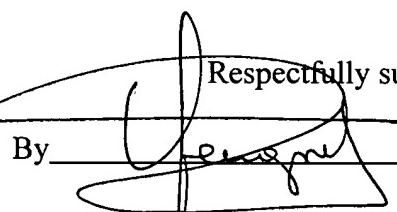
Because the xanthan gum used by Patton, is so different from the one used by Doherty, there is no motivation for the one skilled in the art to combine Patton and Doherty teachings in order to obtain the unexpected synergy as set forth on page 5, lines 5-12 of the instant specification .

For these reasons, Applicant respectfully requests that the Examiner now reconsider and withdraw the rejection of claims 22-37 under 35 U.S.C. § 103 (a) as being unpatentable over Doherty et al. (EP 0765939), in view of Patton et al. (GB 1,080,248).

In view of the preceding remarks, it is asserted that the patent application is in condition for allowance. Should the Examiner have any question concerning these remarks that would further advance prosecution of the claims to allowance, the examiner is cordially invited to telephone the undersigned attorney at (609) 860-4180. A notice of allowance is respectfully solicited.

August 01, 2003

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Respectfully submitted,
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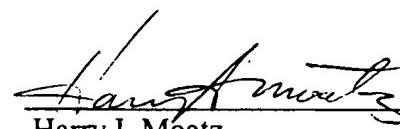
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Expires: November 19, 2003



Harry I. Moatz
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